

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

KURT A. BENSHOOF, et al.,

Plaintiffs,

v.

MARSHALL FERGUSON, J. DOE, BLAIR
RUSS, JESSICA SKELTON, MICHAEL
TRACY, SARAH TURNER, JAMAL
WHITEHEAD,

Defendants.

No. 2:24-cv-00808-JHC

ORDER GRANTING DEFENDANT
JUDGE MARSHALL FERGUSON'S
MOTION TO SEAL

NOTED ON MOTION CALENDAR:
December 10, 2024

This matter comes before the Court on Defendant Judge Marshall Ferguson's Motion to Seal Dkt No. 6-1 and 8. Dkt. # 52. The motion is unopposed.

In reviewing motions to seal, courts start with "a strong presumption in favor of access to court records." *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003).

Parties seeking to seal a judicial record must show "compelling reasons" to overcome the presumption. *Id.* In applying the compelling reasons standard, a court must balance "all relevant factors," including the "public interest in understanding the judicial process and whether disclosure of the material could result in improper use of the material for scandalous or libelous purposes or infringement upon trade secrets." *Id.* (quoting *Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995)). "The mere fact that the production of records may lead to a litigant's

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1 embarrassment, incrimination, or exposure to further litigation will not, without more, compel
2 the court to seal its records.” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th
3 Cir. 2006). But the presence of sensitive personal information in a document may be a
4 “compelling reason” to seal it. *See id.* at 1182.

5 Here, Judge Ferguson asks the Court to seal the summons because it contains his personal
6 address. Dkt. # 52 at 1. He says that he has a compelling interest in protecting this information
7 from public disclosure because he “is a judge at the King County Superior Court.” *Id.* He says
8 that “his privacy and personal security interests in keeping his home address confidential
9 outweigh the public’s interest in access to the summons.” *Id.* Weighing Judge Ferguson’s
10 interests against the public interest in disclosure, the Court determines that he has demonstrated a
11 compelling reason to protect his address from public disclosure.¹

12 Judge Ferguson did not satisfy the meet and confer requirement of Federal Rule of Civil
13 Procedure 26(c). He explained that meet and confer was not possible because Plaintiff, who is
14 representing himself pro se, had “been in custody at the King County Correctional Facility since
15 July 3, 2024.” Dkt. # 52 at 3. The Court waives the meet and confer requirement because of the
16 unique circumstances of this motion.

17 Thus, having considered the motion, the rest of the file, and the governing law, the Court
18 GRANTS the motion to seal. The Court DIRECTS the Clerk to seal Dkt. No. 6-1 and 8.

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21 ¹ Courts apply the less stringent “good cause” standard of Federal Rule of Civil Procedure 26(c)
22 to seal documents that are only “tangentially related to the merits of a case.” *Ctr. for Auto Safety v.*
23 *Chrysler Grp., LLC*, 809 F.3d 1092, 1101 (9th Cir. 2016). The summons is not related to the merits of the
case, so Judge Ferguson needs to demonstrate only good cause to seal this document. The good cause
standard is less exacting than the compelling reasons standard and Ferguson has satisfied both standards
here. *See id.*

DATED this 10th day of December, 2024.



JOHN H. CHUN
UNITED STATES DISTRICT JUDGE